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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,366	12/03/2001	Mark Van Roon	5035-113US	4195

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Richard C Woodbridge  
Woodbridge & Associates  
PO Box 592  
Princeton, NJ 08542-0592

EXAMINER
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CHEN, TE Y

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/936,366

**Applicant(s)**

ROON, MARK VAN

**Examiner**

Susan Y. Chen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-19,21 and 23-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 17-19,21 and 23-32 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 27, 2005 has been entered.

Claims 17-19, 21, and 23-32 are pending for examination; claims 17, 23-27, 29, and 32 have been amended, claims 1-16, 20 and 22 have been canceled.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-19, 21, and 25-32, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,920,847 issued to Kolling et al. (hereinafter referred as Kolling '847) in view of U.S. Patent No. 6,721,715 issued to Nemzow (hereinafter referred as Nemzow '715).

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Claim 17:

Kolling '847 discloses:

a computer system [e.g., the Network Payment system, Figs. 4] enables a party [e.g., the customer C (12), Fig. 4] and counter-party to be efficiently matched, comprising a first computer terminal into which the party inputs details of a potential first financial transaction, a second computer terminal into which the counter-party inputs details of a potential second financial transaction [e.g., see col. 12, lines 1-9], a computer network connecting the first and second terminals [e.g., the Payment Network (102), Fig. 4, connects the Consumer (12) and the Biller (14) Terminals]; in which the first and second transactions relate to the foreign exchange transactions involving several different currencies [e.g., the claimed limitation read by the nature of payment network, col. 12, lines 1-9];

Furthermore, the system characterized in there being:

a) a computer program [e.g. the software program in the UBF Computers, col. 21, lines 29-36] that allocates to each of the different kinds of financial property a unique identifier such that each possible combination of kinds of financial property to be bought or sold by parties and counter-parties is uniquely identifiable by a combination identifier derived from the unique identifiers [the BRN, Fig. 5, col. 11, line 17, col. 18, lines 9-22];

b) a computer program [e.g. the software program in the UBF Computers, col. 21, lines 29-36] being arranged to determine a net payment position if both the first and second transactions were to occur and to complete each transaction

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on the basis of the net payment position [e.g., the Settlement sub-system (104), Fig. 4; col. 12, lines 1-27; col. 19, lines 11-24; Figs. 9-11].

Kolling '847 did not specifically disclose the following:

The system allocates to each currency a unique identifier such that each possible combination of currencies to be bought or sold by parties and counter-parties is uniquely identifiable by a combination identifier derived from the unique identifiers;

However, Nemzow '715 discloses a dynamic currency exchanging system [e.g., Abstract, Fig. 1 and associated texts] comprising allocates to each currency a unique identifier [e.g., the unique primary code key of currency code unit 40 Fig. 1 and associated texts] such that each possible combination of currencies to be bought or sold by parties and counter parties is uniquely identifiable by a combination identifier derived from the unique identifiers [e.g., the unit 40, 60, Fig. 1; col. 5, line 59 – col. 6, line 32].

Kolling '847 and Nemzow '715 are both in the same endeavor to facilitate unique financial transaction processing for different currencies exchanging via Internet, thus, with the teachings of Kolling '847 and Nemzow '715 in front of him/her, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modifying the unique transaction identifier (or BRN) of Kolling's with the unique currency identification code taught by Nemzow '715, because by doing so, as suggested by Nemzow '715, the unique primary code key of currency codes will be combined and used to reference to the foreign exchange valuation data structure, that

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results in a simple, dynamic and effectively translation of currencies [e.g., Nemzow '715: col. 4, lines 47- col. 5, lines 13; Fig. 1 and associated texts].

Claim 18:

The combined system of Kolling '847 and Nemzow '715 further discloses:

There are sever party/counter-party pairs in a connected series of financial transactions such that only by combining all of the connected transactions are all of the parties and counter-parties satisfied in whole or part [e.g., Kolling '847: col. 12, lines 1-27].

Claim 19:

The combined system of Kolling '847 and Nemzow '715 further discloses:

The Internet comprises network connecting the first and second terminals [e.g., Kolling '847: the payment Network (102), Fig. 4].

Claim 21:

The claimed feature that the financial program is designed to identify and complete transactions in first in first out order is a default nature of the network payment system.

Claim 25:

The combined system of Kolling '847 and Nemzow '715 further discloses:

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a program which is able to calculate combination identifiers of currencies for all possible combinations to be bought and sold and to identify a match where a combination identifier for a combination to be sold equals a combination identifier for a combination to be bought [e.g., Kolling '847: col. 11, lines 50-67; col. 16, lines 29-34, Fig. 4 and Fig. 17; Nemzow '715: Fig. 1 and associated texts].

Claim 26:

The combined system of Kolling '847 and Nemzow '715 further discloses:

The amount of currency available for matching in any given combination is determined by a calculation which involves converting the currency in that combination to a base currency [e.g., Kolling '847: col. 11, lines 50 – col. 12, line 19; Nemzow '715: col. 5, lines 50 – col. 6, line 35].

Claim 27:

The combined system of Kolling '847 and Nemzow '715 discloses:

- using a web browser to defining currencies requirement [e.g. see col. 12, lines 24-27 of Kolling '847; Nemzow '715: col. 4, lines 5-22];
- sending the requirement via the internet to a server [e.g., Kolling '847: the Payment Network 102, Fig. 4];
- processing that requirement by identifying one or more matching counter parties using 1) a computer program that allocates to each of the different kinds of currencies a unique identifier such that each possible combination of

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kinds of foreign exchange to be bought and sold is uniquely identifiable by a combination identifier derived from the unique identifiers [e.g. Nemzow '715: col. 6, lines 8-35; col. 7, line 46 – col. 8, line 34]; and 2) a computer program arranged to determine prior to the transaction occurring, a net payment position between the party and the counterparty and to subsequently complete the transaction between the parties on the basis of the net payment position [e.g., Kolling '847: col. 12, lines 1-27; Figs. 9-11].

Claim 28:

The combined system of Kolling '847 and Nemzow '715 further discloses:

The foreign currency exchange transaction occurred in a computer system [e.g., Kolling '847: Fig(s). 1- 4].

Claim 29:

The combined system of Kolling '847 and Nemzow '715 further discloses:

A server is programmed to process a foreign currency exchange transaction based on a net payment position between the party and a counter-party [e.g., Kolling '847: see the Settlement sub-system (104), Fig. 4; col. 11, lines 50 – col. 12, line 9; col. 19, lines 11-24]. Wherein, the server is program to perform the functions: 1) to allocate to each of the different kinds of currency a unique identifier such that each possible combination of kinds of foreign exchange to be bought and sold is uniquely identifiable by the party and counter-party is uniquely



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identifiable by a combination identifier derived from the unique identifiers [e.g., Nemzow '715: the unit 10, Fig 1; col. 6, lines 8-35; col. 7, line 46 – col. 8, line 34] ; and 2) to determine prior to the transaction occurring, a net payment position between the party and the counter-party if the transaction were to occur and subsequently to complete the transaction between the party and the counter-party on the basis of the net payment position [e.g., Kolling '847: col. 12, lines 1-27; Figs. 9-11].

Claim 30:

The combined system of Kolling '847 and Nemzow '715 further discloses:

The server is part of the computer based network payment system [e.g. Kolling '847: Fig. 4].

Claims 31-32:

These claims recite the same features claimed by the applicant as discussed for claims 17, 27 and 29 above in form of client party [e.g. Kolling '847: the Customers (502, 510i), Fig. 17; Fig.(s) 10-19C and associated texts], hence are rejected for the same reason.

***Claim Rejections - 35 USC § 103***

Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling '847 and Nemzow '715 as applied to claims 17-19, 21, and 25-32 above, and

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further in view of U.S. Patent No. 6,282,522 issued to Davis et al. (hereinafter referred as Davis '522).

Claim 23:

The combined system of Kolling '847 and Nemzow '715 discloses all of the features claimed by the applicant as discussed for claims 17, 27 and 29 above, the combined system further disclose each unique identifier is an assignment value number in the form of Modulus-10 [e. g. Kolling '847: col. 18, lines 9-22], but the combined system fails to teach each unique identifier is an assignment value number in the form  $10^N$ , with N being different for each currency.

However, the claimed feature read by the unique identifier discloses by Davis '522 [e.g., Davis '522: the currency's exponent for each unique currency, col. 15, lines 40-51].

The combined system of Kolling '847, Nemzow '715 and Davis '522 are common subject matters for managing financial property payment via a unique transaction identifier, therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modifying the unique transaction identifier (or BRN) of the combined system of Kolling '847, Nemzow '715 with the unique identifier taught by Davis '522, because by doing so, the combined unique transaction identifier will

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provide further indication of what financial property is being use in the specific transaction and facilitates the foreign currency exchange.

Claim 24:

The combined system further discloses that the value of combination identifier is calculated by adding the unique identifiers for each currency in that combination [e.g., Kolling '847: col. 16, lines 7-14; Nemzow '715: the units: 40, 60, Fig. 1; Davis '522: Fig. 12 and associated texts].

***Response to Arguments***

Applicant's arguments with respect to claims 17-19, 21, and 23-32 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

To expedite the process of re-examination, the examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. 35 U.S.C. 112) set forth by the Examiner prior to the office action, that applicant should provide and link to the most specific page and line numbers of the disclosure where best support is found (see 35 U.S.C. 132).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen  
Examiner  
Art Unit 2161

September 21, 2005



UYEN LE  
PRIMARY EXAMINER